

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

JOHN ANDREW KISTER,)
Petitioner,)
v.) Case No. 5:21-cv-01069-CLM-HNJ
PATRICE RICHIE JONES, Warden, et)
al.,)
Respondents.)

MEMORANDUM OPINION

John Andrew Kister, an Alabama state prisoner, filed this action for a writ of habeas corpus *pro se* under 28 U.S.C. § 2254. (Doc. 1). Kister challenges his 2018 conviction and consecutive life sentence in Morgan County for first degree robbery.¹ (Doc. 1). The magistrate judge entered a report that recommended that Kister's petition be denied as time-barred pursuant to 28 U.S.C. § 2244. (Doc. 12). The magistrate judge notified the parties of their right to file objections to the report and recommendation within 14 days. (Doc. 12 at 18-19). No party filed an objection.

¹ As set forth in the report and recommendation, a jury convicted Kister on three other first degree robbery charges on October 23, 2018. (Doc. 12 at 2). Kister's habeas petition related to those convictions were addressed in *Kister v. Jones*, 5:21-cv-01018-ACK-HNJ. On December 12, 2018, the trial court imposed a sentence of life for each of those three convictions, to run consecutively. At his sentencing on those convictions, Kister notified the court he wanted to plead guilty to the first degree robbery charge at issue in this case, and did so, receiving a fourth consecutive life sentence. (Doc. 12 at 2, citing *Kister v. Jones*, 5:21-cv-01018-ACK-HNJ).

This court has reviewed and considered *de novo* all the materials in the court file, including the magistrate judge's Report and Recommendation. The court agrees with that magistrate judge's finding that Kister's petition is time-barred, so the court **ADOPTS** the magistrate judge's report and recommendation. So the court will **DENY** Kister's petition.

Further, the court **DENIES** a certificate of appealability because Kister's petition does not present issues that are debatable among jurists of reason. *See* 28 U.S.C. § 2253(c); *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000); Rule 11(a), *Rules Governing § 2254 Proceedings*.

The court will enter a separate Final Order.

DONE on November 18, 2021.



COREY L. MAZE
UNITED STATES DISTRICT JUDGE